

Message

From: Han, Kaythi [Han.Kaythi@epa.gov]
Sent: 1/23/2020 2:58:41 AM
To: Friedman, Dana [Friedman.Dana@epa.gov]; Fothergill, Kent [fothergill.kent@epa.gov]; Godshall, Joshua [Godshall.Joshua@epa.gov]
Subject: For your review RE: OPP/OGC: - BNV - Petition re: Treated Articles Exemption.

Dana, Kent and Josh,

Below for your review are the draft responses to the press inquiry we received from BNV. I modified parts of the draft treated seed petition email to answer question 2. Have we stated any of this publicly before? If not, is this the right avenue for stating this publicly for the first time?

Please review by noon tomorrow, as the reporter's deadline is COB tomorrow. I plan to ask OGC to review the answer to question 1.

1. Can you comment on whether or not EPA plans to address this petition in any way in the coming months? What's the typical process/timeline for petitions? Is the agency required to respond by a particular time?

The length of time it takes EPA to process and respond to a petition depends on the petition. There is no standard timeline for a petition as it is evaluated on a case by case basis.

2. So, I guess I can use this, unless there is something more specific EPA could say besides "we will respond when our analysis is complete." For instance, is it reasonable to assume a response will come this year?

Deliberative Process / Ex. 5

3. Also, on related topic, I've been told by a number of researchers that EPA was in the process of collecting data for an efficacy study about the use of neonic seeds and corn, similar to the one it published on soybeans. <https://www.epa.gov/pollinator-protection/benefits-neonicotinoid-seed-treatments-soybean-production> Can EPA offer some clarity about why that study was cancelled?

Deliberative Process / Ex. 5

Kaythi Han
Team Leader, Communication Services Branch

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From: Friedman, Dana <Friedman.Dana@epa.gov>
Sent: Wednesday, January 22, 2020 4:19 PM
To: Han, Kaythi <Han.Kaythi@epa.gov>
Subject: FW: OPP/OGC: - BNV - Petition re: Treated Articles Exemption.

Kaythi,

Deliberative Process / Ex. 5

Dana

From: Grable, Melissa <Grable.Melissa@epa.gov>
Sent: Wednesday, January 22, 2020 3:47 PM
To: Friedman, Dana <Friedman.Dana@epa.gov>
Subject: FW: OPP/OGC: - BNV - Petition re: Treated Articles Exemption.

Hi Dana,

Please see the attached inquiry on treated articles. I assume that Kent is back me up on this, but wanted to send to you. Let me know how you would like to proceed. They want a response by COB today.

Thanks,
Melissa

From: Han, Kaythi <Han.Kaythi@epa.gov>
Sent: Wednesday, January 22, 2020 3:34 PM
To: Grable, Melissa <Grable.Melissa@epa.gov>
Subject: FW: OPP/OGC: - BNV - Petition re: Treated Articles Exemption.

Hi Melissa,

Sorry to bother you while you're on detail, but could you direct me to who's backing you up on the treated seed petition?

Hope you're enjoying your detail!

Thanks!

Kaythi Han
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From: Hernandez, Connie <Hernandez.Connie@epa.gov>
Sent: Wednesday, January 22, 2020 3:01 PM
To: Han, Kaythi <Han.Kaythi@epa.gov>
Cc: Picone, Kaitlin <Picone.Kaitlin@epa.gov>
Subject: RE: OPP/OGC: - BNV - Petition re: Treated Articles Exemption.

Hi Kaythi,

The expert on this would be Melissa Grable. To my knowledge, Rick asked FEAD and PRD to draft an email for Alex regarding how the program will respond to the comments submitted. Attached is a draft email that PRD developed to share with Alex as a response on the status of the Treated Seed petition. Please verify with Melissa if this is still up to date. Let me know if you need further information.

Thanks,
Connie Hernandez, Environmental Protection Specialist
Policy and Regulatory Services Branch
Field and External Affairs Division
Office of Pesticide Programs
US Environmental Protection Agency
(703) 305-5190

From: Han, Kaythi <Han.Kaythi@epa.gov>
Sent: Wednesday, January 22, 2020 2:43 PM
To: Hernandez, Connie <Hernandez.Connie@epa.gov>
Subject: FW: OPP/OGC: - BNV - Petition re: Treated Articles Exemption.

Hi Connie,

Can you help with this press inquiry on the coated seed petition? Do you know what the latest status is on it? Or if there's a lead subject matter expert in a division that I should talk to? If you could let me know as soon as possible, that would be greatly appreciated! The reporter's deadline is the end of the day today.

Thanks!

Kaythi Han
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From: Daguiard, Robert <Daguiard.Robert@epa.gov>
Sent: Wednesday, January 22, 2020 11:15 AM
To: OPP FEAD CSB <OPP_FEAD_CSB@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>; Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Perlis, Robert <Perlis.Robert@epa.gov>
Cc: Dunton, Cheryl <Dunton.Cheryl@epa.gov>
Subject: RE: OPP/OGC: - BNV - Petition re: Treated Articles Exemption.

More from the reporter. Thanks in advance:

I forgot that one of your previous response did actually address the petition.

“In 2017, EPA received a Petition to Regulate Coated Seeds under FIFRA that raises a number of questions related to treated seeds and the treated article regulation. In 2018, we opened a docket and invited public comment on the petition. The agency is reviewing comments received and will respond to the petition when our analysis is complete.”

So, I guess I can use this, unless there is something more specific EPA could say besides “we will respond when our analysis is complete.” For instance, is it reasonable to assume a response will come this year?

Also, on related topic, I’ve been told by a number of researchers that EPA was in the process of collecting data for an efficacy study about the use of neonic seeds and corn, similar to the one it published on soybeans.

<https://www.epa.gov/pollinator-protection/benefits-neonicotinoid-seed-treatments-soybean-production>

Can EPA offer some clarity about why that study was cancelled?

Thanks again, and apologies for the confusion.

Best,
Adam

Cheers, R.

**Robert Daguiard
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From: Daguiard, Robert
Sent: Wednesday, January 22, 2020 10:42 AM
To: OPP FEAD CSB <OPP_FEAD_CSB@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>; Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Perlis, Robert <Perlis.Robert@epa.gov>
Cc: Dunton, Cheryl <Dunton.Cheryl@epa.gov>
Subject: OPP/OGC: - BNV - Petition re: Treated Articles Exemption.

**BNV
Adam Allington
DDL ASAP**

Good morning everyone,

Thanks in advance for any insight.

Cheers, R.

**Robert Daguiard
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Hi Robert,

I actually have a media request for you today.

I'm finally finishing my long-awaited story about pesticide seed coatings, and the "treated article" exemption. You did already provide some responses for about specific questions, however I did want to follow up about this citizen petition, from the Center for Food Safety. EPA posted it to the FR over a year ago.

<https://www.regulations.gov/docket?D=EPA-HQ-OPP-2018-0805>

Can you comment on whether or not EPA plans to address this petition in any way in the coming months? What's the typical process/timeline for petitions? Is the agency required to respond by a particular time?

Any clarity you could provide about the petition specifically, by COB today, would be greatly appreciated.

Thanks,
Adam

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Adam Allington
Chemicals and Pesticides Reporter

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